

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 16-20, 27-28, 35-36 and 43-44 have been canceled. Accordingly, claims 1-15, 21-26, 29-34 and 37-42 will remain pending and are resubmitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's claim for priority under 35 U.S.C. § 119 and receipt of the certified copies of the priority documents (in the parent application), as set forth in the Official Action. Applicant further notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application on April 1, 2004, July 6, 2004, and March 4, 2005 by the return of the initialed and signed PTO-1449 Forms, and for consideration of the documents cited in the Information Disclosure Statements. In this regard, while the PTOL-326 indicated that PTO-1449 Forms for papers having mail dates of April 1, 2004 and July 6, 2004 were attached, in fact the PTO-1449 Form associated with the Information Disclosure Statement of March 4, 2005 was also attached to the outstanding Official Action.

Turning to the merits of the action, the Examiner has rejected claims 1-15, 21-26, 29-34, and 37-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,710,894 (OGAWA) in view of U.S. Patent No. 6,885,470 (TOYODA et al.) and U.S. Patent No.

5,878,230 (WEBER et al.). Claims 16-20, 27, 28, 35, 36, 43 and 44 were rejected under the judicially created doctrine of obviousness type double patenting as unpatentable over claims 1-5 of OGAWA in view of TOYODA et al. The Examiner has also rejected claims 16-20, 27-28, 35-36, and 43-44 under 35 U.S.C. 103(a) as being unpatentable over TOYODA et al. (presumed to be U.S. Patent No. 6,885,470).

In response, Applicant has filed a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate the judicially created double patenting rejection. The Terminal Disclaimer includes a provision that any patent granted on the present application shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

Submission of the attached Terminal Disclaimer should not be taken as an indication of Applicant's or of the Assignee's acquiescence in the propriety of the obviousness-type double patenting rejection. Rather, Applicant is submitting the attached Terminal Disclaimer solely in order to obtain early allowance of the claims of the present application. In view of the submission of the attached Terminal Disclaimer, Applicant respectfully requests reconsideration and withdrawal of the obviousness-type double patenting rejection of the pending claims.

Regarding the rejection under 35 U.S.C. 103(a), Applicant has canceled claims 16-20, 27-28, 35-36, and 43-44 without prejudice or disclaimer. Thus, Applicant respectfully submits that the objection and the rejection have been rendered moot.

Applicant respectfully notes that the cancellation of the claims has been made merely to advance the prosecution of the present application and thus should not be taken as an acquiescence in the appropriateness of the rejections. Further, Applicant

expressly reserves the right to submit claims of a corresponding scope in another application. Thus, the cancellation of the claims in the present application is expressly made without prejudice or disclaimer.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application, in due course.

Applicant further wishes to make of record the above-noted personal interview conducted between Applicant's undersigned representative and Examiner Lee on January 25, 2005 in regard to co-pending Application No. 10/767,615. The above-noted interview was attended by the undersigned representative of Applicant's assignee as well as Mr. Hiroshi Takahashi of Panasonic Communications Co., Ltd., the assignee of the present application.

Initially, Applicant wishes to thank Examiner Lee for his courtesy and cooperation in scheduling and conducting the above-noted interview. Applicant further wishes to thank the Examiner for his cooperative and positive attitude towards the interview and towards the invention defined in the present application.

During the above-noted interview, Applicant discussed the then outstanding objection and rejection in U.S. Patent Application No. 10/767,615.

During the above-noted interview, Applicant also noted for the Examiner that the present application is one of 15 continuation applications that all claim priority under 35 U.S.C. § 120 from parent U.S. Patent Application No. 09/461,402, which is now U.S. Patent No. 6,710,894 which issued on March 23, 2004.

Additionally, during the above-noted interview, Applicant presented the Examiner with a chart listing the 15 continuation applications and pointing out the differences between the subject matter to which the claims of each of the 15 continuations (as well as the parent) were directed. Applicant prepared and gave this chart to the Examiner to facilitate examination of all the continuation applications.

Applicant's representative also pointed out that since the subject matter of each of the applications is directed to a different aspect (or combination of aspects) of the present invention, Applicant does not believe that any type of obviousness type double patenting rejection is appropriate. However, Applicant respectfully requested that the Examiner consider the claims of all of these applications together to determine for himself whether a obviousness type double patenting rejection is appropriate. Applicant further indicated that if the Examiner decides that such a rejection is indicated, he would consider filing a Terminal Disclaimer to overcome such rejection.

As is apparent in the present application, the Examiner made an obviousness type double patenting rejection and in response, Applicant is filing a Terminal Disclaimer without acquiescing in the propriety of such rejection.

Additionally, during the above-noted interview, Applicant's representative discussed several of the documents cited in the Information Disclosure Statements filed in the present application. In this regard, Applicant noted and expressly directed the Examiner's attention to Japanese Laid-Open Patent Publication HEI 10-307769, that issued to the Assignee of the present application and to Japanese Laid-Open Patent Publication HEI 08-542326 to Matsushita Electric Industrial Co., Ltd.

Applicant pointed out that both of these documents relate to the general subject matter of returning an error message which is claimed in several of the co-pending and commonly assigned continuation applications discussed above.

An English language translation and an English language patent family member of the above-noted Japanese documents (filed together with the Information Disclosure Statement) were also brought to the Examiner's attention and portions of the English language translation and patent family member were noted to relate to return of an error message. The Examiner particularly noted portions of the translation and family member that discuss the feature of returning an error message.

Applicant further respectfully suggested that in view of the discussion of the subject matter of various ones of the continuation applications, it would be obviously efficient to conduct examination of these 15 applications within a short time period after the interview in the present application.

At the conclusion of the interview, Applicant's undersigned representative expressed his appreciation to the Examiner for taking the time out of his busy schedule to conduct an extensive interview regarding the present application as well as regarding the co-pending applications. Applicant again thanks the Examiner for his courtesy as well as for his positive and cooperative nature as exhibited during the above-noted interview.

Applicant further wishes to make of record a telephone interview conducted on November 3, 2005 in co-pending Application No. 10/767,719. During the above-noted interview, Applicant's undersigned representative discussed the merits of the above-noted application, which, as has been previously pointed out to the Examiner, and as

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the Examiner is undoubtedly aware, is one of 15 continuations of parent Application No. 09/461,402, now U.S. Patent No. 6,710,894. During the interview, Applicant also noted that each of the above-noted continuations as well as the above-noted parent application are being examined by the same Examiner. During the above-noted interview, the Examiner indicated that he is aware of each of the applications and the various references of record therein. Also during the above-noted interview, Applicant's undersigned representative asked the Examiner to ensure that the record is complete in each of these 15 applications by cross-citing each of the references cited in any of these applications into each of the other applications. The Examiner agreed to do so and Applicant agreed to facilitate such cross-citation by periodically updating the references cited in these various applications by the Examiner.

Accordingly, attached to the present Response, Applicant is providing a PTO-1449 Form in which various references cited in recently issued Office Actions in various ones of these 15 continuation applications are listed. The Examiner is respectfully requested to initial the attached PTO-1449 Form to confirm consideration of these documents. The Examiner is respectfully thanked for his cooperation in this matter which will enable the record in the present application to be complete and to accurately indicate that the Examiner has considered all of these references that were cited in individual ones of these applications with respect to the claims in each of the applications.

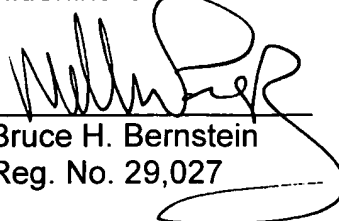
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has filed a Terminal Disclaimer to obviate the judicially created double patenting rejection. Applicant also has canceled the other rejected claims without prejudice or disclaimer. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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